

Notice of Allowability

Application No.

09/721,462

Applicant(s)

SHENNIB, ADNAN

Examiner

Art Unit

Devona E. Faulk

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/25/2007.
2. ☒ The allowed claim(s) is/are 1 and 4-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

The applicant's RCE filed on 4/25/2007 was received and entered.

Response to Remarks

1. The applicant amended independent claim 1 and agreed to an examiner's amendment to place the claims in allowable form.
2. Claims 3 and 14-25 are cancelled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James M. Heslin (Reg. No. 29,541) on 7/7/2007.

The claims are to be amended as follows:

Claim 1, line 7: delete "sufficient to reduce an incidence of canal infection".

Claim 1, line 13: after "device", insert - - , wherein said intracanal shield is separate from said canal hearing device for independent insertion and removal while said hearing device is positioned in-situ - -.

Claim 2: Cancel.

4. Claims 1,4-13.

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5. The following is an examiner's statement of reasons for allowance:

6. Regarding claim 1, prior art Haertl (US 4,987,597) discloses an apparatus for closing openings of a hearing aid or an ear adaptor for hearing aids. Prior art Strauss (US 4,344,425) discloses earplugs. Prior art Oliveira (US 5,401,920) discloses a cerumen filter for hearing aids. Prior art Brinhall et al. (US 6,179,085 and 6,382,346) discloses a retention and extraction device for a hearing aid. Prior art Brown et al. (US 6,129,174) discloses a minimal contact replaceable acoustic coupler. Prior art Adams (US 5,488,961) discloses hydrophobic earplugs. Prior art Williams (US 5,573,015) discloses an extruded earplug.

The prior art or combination thereof fails to disclose or make obvious an intracanal shield comprising a retention ring adapted to conform to the wall of the ear canal cavity, wherein said intracanal shield is separate from said canal hearing device for independent insertion and removal while said hearing device is positioned in-situ.

Therefore the prior art or combination thereof fails to disclose or make obvious an intracanal shield as claimed.

7. Claims 4-13 are allowed due to dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

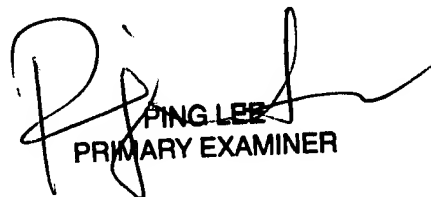
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF


PING LEE
PRIMARY EXAMINER